

bill may be enacted after the beginning of the fiscal year?

THE CHAIRMAN: Delegate Sherbow, did you hear the question?

DELEGATE SHERBOW: No, we never intended that. The General Assembly begins early in January or February. By the terms of these 80 days, Senator James tells me that this is technically possible. I hope that in bringing together the legislative and the other sections that we avoid that, but I guess if you start adding up the days you can see if it is technically possible. I have not checked out the calendars here, but I think it is better to go by calendar in our own proceedings. I do not know how it will be with the General Assembly. It was not our intent, but it may fall into that kind of situation.

DELEGATE GALLAGHER: Mr. Chairman, I think it is technically possible under the present arrangement that if the legislature failed to act you would have to stay around until it did.

If it was after July 1, there would not be anything you could do about it, so there is no change in the technical possibilities.

DELEGATE JAMES: I think that is absolutely correct.

THE CHAIRMAN: Mr. Lewis, can the Chair inquire whether the question you were requested to look at is something that could be resolved very quickly, or would it require further study?

MR. LEWIS: (Staff Advisor to Committee on State Finance and Taxation). Am I permitted to speak?

THE CHAIRMAN: I think we can permit you to speak under the circumstances we asked you to speak.

MR. LEWIS: I do not know how quickly I can do this. I think the problem arises because the blue book dealing with Article III, section 35 indicated it was being superseded by this provision in the budget, and I do not think that was the correct intent, because the provision we are talking about in the budget is not a new provision, but an old one that has always been there. Certainly, the budget provision was not intended to supersede or take the place of Article III, section 35.

When we dealt with this, it was certainly my understanding that the budget provision applied only to the budgeted items. I do not think it was discussed in the Committee, but I believe I did write a memo to Judge Sherbow.

In other words, you were dealing with compensation that was set out in the budget, and if there was to be any limitation on either increases or decreases in compensation of public offices, it should be specified in the other provisions of the constitution dealing with those offices, and we so stated in our memorandum.

I think the error perhaps was — and if it was an error it was my error — that in discussing this in the memorandum we referred only to increases, the reason being that this was really the only thing that was an important item. If we had put in “increases or decreases” it would have been fairly clear, but we had no intention of substituting this budget provision for Article III, section 35. I do not know that I have helped on this.

The question is, do you want a restriction on increases or decreases in the compensation of public officers? If you do, it ought to be, I should think, in a separate provision and not mess up the budget with it.

THE CHAIRMAN: Delegate Bamberger, the Chair suggests there are several possible courses of action open. We could proceed to vote on your amendment, which at the moment, putting it mildly, is in a state of confusion.

You could withdraw your amendment, and after the matter was straightened out submit another amendment at the time of second reading when the committee recommendation is before the Convention; or a committee recommendation, a separate committee recommendation, touching not merely upon the budget, but upon the whole subject of compensation of public officers could be introduced, which would resolve the question.

Which course of action appeals to you?

DELEGATE BAMBERGER: I have another alternative. I will withdraw my amendment and let the Committee come in and straighten this out.

THE CHAIRMAN: Very well.

Amendment No. 3 is withdrawn.

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Bamberger may be withdrawing it, but I think it is very important.

The holding in the *Pressman v. D'Alessandro* case was that the prohibition in